

MINUTES OF A REGULAR MEETING

BROOKLYN CITY COUNCIL

February 14, 2005

7:00 p.m.

The Mayor, Council and all in attendance recited the Pledge of Allegiance.

There was a moment of silence for U.S. Marine Cpl. Tim Knight.

President Albier: "Thank you. Clerk, would you call the roll please?"

Clerk Fisk: "John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."
"Colleen Gallagher."

Councilman J. Frey: "Here."
Councilman Albier: "Here."
Councilwoman Pucci: "Here."
Councilwoman Brown: "Here."

President Albier: "She's still on vacation."

Clerk Fisk: "Greg Frey."
"Tom Coyne."

Councilman G. Frey: "Here."
Councilman Coyne: "Here."

President Albier: "Tonight's agenda will be: Ordinance #2005-3, Authorizing a contract between Kim's Judo and Tae Kwon Do School and the City of Brooklyn to provide Master Kim Tae Kwon Do and Kardio Kick Programs at the Brooklyn Recreation Center; Ordinance #2005-5, Adopting the 2005 National Electric Code, providing standards for electrical materials and installations; Ordinance #2005-6, To approve and adopt the Personnel Policy Manual of the City of Brooklyn; Ordinance #2005-7, Amending Ordinance 2002-6, entitled An Ordinance providing for the registration of senior citizens for grass cutting services, and establishing requirements and a fee therefore, adopted January 14, 2002; Ordinance #2005-8, Authorizing inter-fund transfers and advances; and any other matters that may come before City Council. And at this time I will turn the meeting over to the Mayor, he has a couple of proclamations."

Mayor Patton: "Championship hockey has returned to the City of Brooklyn. Tonight we're here to honor the championship team. I invite Coach Tom Bruzek up, and also his assistants please. It's a Proclamation from the Office of the Mayor. To honor and congratulate the 2004-5 Brooklyn Youth Hockey Association, Brooklyn Sharks, Pee Wee A2 team on clutching the Pee Wee A2 division title. Whereas, the Brooklyn Sharks have had an outstanding season with a record of 13 wins and 2 losses with 1 tie. And whereas, the Brooklyn Sharks will be playing in the Cleveland Suburban Hockey League playoffs on February 26th. And whereas, our entire community takes great pride in acknowledging the team members and coaches who proved that strength is derived by unity. Now, therefore, I, Mayor Kenneth E. Patton, and on behalf of the City of Brooklyn Council and all our residents, do hereby extend sincere congratulations to the Brooklyn Sharks Pee Wee A2 team on their outstanding achievement in clinching the Pee Wee A2 Division title. Best wishes on a successful season. Congratulations."

Coach Tom Bruzek: "Chris Biats, Domenic Acciarri, Ian Bruzek, Luke Kramer, David Sudetic, Patrick Hoffert, Kyle Althen, Joey Griswold, Max Norma, Jackson Voelker, Travis Agnew, Trey Hopkins, Justin Ross, Chad Walker. Jacob Bernhard is not in attendance. Mayor, we'd like to thank you also for all your support, for not only our team, but for the whole Association. We really appreciate everything you've done. Thank you."

Mayor Patton: "Thank you. What makes it special is Tom also works for us over at the Rec Center, he does a fantastic job there. Ladies and gentlemen, at this time I want to thank everyone who assisted and who participated in any way in honoring United States Marine Corp. Cpl. Timothy A. Knight, who died in a tragic helicopter crash in Iraq. His family did appreciate seeing all who paid tribute by standing out as the funeral procession passed by. This evening I'm proposing to City Council my recommendation to dedicate the park at Ridge and Biddulph, now called The Commons, as Cpl. Timothy A. Knight Commons. Donations for Timothy A. Knight Memorial Fund still could be made at any Fifth Third Bank. Thank you."

President Albier: "The approval of the minutes from January 24th."

Councilwoman Pucci: "Move to approve."

Councilwoman Brown: "Second."

Clerk Fisk: "To approve the minutes of January 24th, John Frey."

"Rich Albier."
"Kathy Pucci."
"Rita Brown."
"Greg Frey."
"Tom Coyne."

Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."

President Albier: "Also approval of the minutes from the Council Committee of the Whole on January 24th with one correction. On page two, about a third of the way down, it says, 'but not like', it's supposed to be 'liked'. Can I have a motion to approve?"

Councilwoman Pucci: "Move to approve as amended."

Councilman Coyne: "Second."

Clerk Fisk: "To approve the minutes from the January 24th Committee of the Whole meeting, as amended, John Frey."

"Rich Albier."
"Kathy Pucci."
"Rita Brown."
"Greg Frey."
"Tom Coyne."

Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."

President Albier: "We'll now have the public session in the Council meeting. Anybody who has anything to say for the good and welfare of the City of Brooklyn, please come forward and state your name and your address. "

Shirley Palumbo: "Shirley Palumbo, 10218 Micka Drive, Brooklyn. I just want to make the announcement that the Brooklyn Animal Shelter website, brooklynshelter.org is offering its service to the residents of Brooklyn and surrounding areas. We will post lost pets, and we will post pets if you found a pet. And also, if you're looking for a home for a pet, it's Adopt My Pet. You just go to the web page and there are links to those pages, and you can e-mail me a digital picture of your pet and a description, and we'll try to help you out. Okay? That's all."

President Albier: "Is there anyone else that wishes to address the Council? Okay, then we'll move onto reports from Council. Mr. John Frey."

Councilman John Frey: "No report."

President Rich Albier: "Tonight I would like to say a few words about executive sessions. Over the past few weeks, or longer than that, people have come up to me and asked me about how come we go into so many executive sessions. And I just want to explain what executive session is. One person told me he thinks we only do that because we don't want people to hear what we're saying, but that's not it. Under the Ohio Revised Code Section 121.22 it gives six reasons that you're allowed to go into executive session. And at an open Council meeting you have to state the reason you're going into executive session, and it has to fit into one of those six categories. And if it doesn't, it's up to the Law Director, Mr. Shaper, to tell us that it doesn't fit into that. You're also allowed, you can name a couple of things, it doesn't have to be one item. But they all have to be mentioned in the open Council meeting. Then when you go into the executive session you can't deviate from that. You can't talk about what you said out here, and then say, oh, by the way, how's this, you can't do that. You can only talk about what you state out here in an open Council meeting. So I'm going to go through the six things, the six reasons you're allowed to go into an executive session. The first one states, To consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official, or the investigation of charges or complaints against the public employee,

official, licensee or regulated employee. In otherwords, personnel matters. Because if you work for the city, you wouldn't want somebody discussing all your personnel matters in an open Council session. So that's one of the reasons... We've done that before, go into executive session for that. However, there's a footnote to that. The footnote states, No public body can hold an executive session for the discipline of an elected official or for the conduct related to the performance of an official's duties, or for removal from office. So in otherwords, you can't go into executive session if there's a charge against an elected official. But we've gone in there before on personnel matters. The only thing that bothers me a lot of times, we go in there and it's something that you might have been able to ask the Law Director ahead of time, and we wouldn't have had to do this in the first place. So I'd just like Councilmembers to make sure we have to go into executive session if it isn't something you could just ask the Law Director. The second one is, you're allowed to go into executive session to consider the purchase of property for public purposes, from the sale of property at competitive bidding. So in otherwords, if the city was going to buy a piece of property you wouldn't announce up here how much money we're willing to pay, or something. It has to be confidential. That's another reason you go into executive session. The third reason is, Conferences with an attorney for the public body concerning disputes concerning the public body that are subject to pending or immediate court action. In otherwords, lawsuits. So if the city's been sued, Mr. Shaper a lot of times requests that we go into executive session so he could explain the lawsuit to all of us at the same time, which is a good idea, because if he did it individually we'd probably come up with seven different interpretations. So it's good that we meet on those occasions. And the fourth one is, Preparing for, conducting or reviewing negotiations or bargaining sessions with public employees, confirming their compensation or other terms and conditions of the employment. In otherwords, union contracts. We go into executive session for union contracts, 'cause you couldn't talk about that out here either. You don't want to tip off the other side how much money you're willing to go, how big a raise, or whatever. And we've done that before too. And the last two I don't recall us ever going into executive session. The one is sort of like a catchall, and it says, Matters required to be kept confidential by federal law or rules or state statutes. And I don't know what that would be, but I don't think we've ever gone in there, it's sort of like I said, a catchall. And the sixth one, and the last one is, Specialized details of security arrangements where the disclosure of the matters discussed might reveal information that could be used for the purpose of committing or avoiding prosecution for a violation of the law. So that would be like, let's say President Bush was coming to visit the city, and the Police Chief said I want to advise the Council on the security procedures we've taken. So you wouldn't discuss that in an open meeting. So that would be one reason you'd use this one. But as far as I know we've never done that. So the other thing is, once you go into executive session, everything that you talk about in there is confidential. So if we come out of there and someone comes up to a Councilman and says what did you talk about in there, they're not allowed to tell you. They could be disciplined if they do. So I know we've been going in there quite a bit, and I hope we can cut that down a little bit. But those are the only reasons you could go into executive session. You just can't go in there because you don't want somebody to hear what you have to say, it has to fit into one of these six categories. So I hope that explains it. Oh yeah, I forgot, we're going to amend the agenda tonight to include the Commons, the vote for the Commons?"

Councilwoman Pucci: "No, this is for the contract. Do you want me to make a motion?"

Mayor Patton: "Tom Shaper's contract."

Councilwoman Pucci: "Tom Shaper's."

President Albier: "Oh, okay, yes, yes."

Councilwoman Pucci: "I move we amend the agenda to give oral authorization for the City of Brooklyn to enter into an agreement with Sports Venue Advertising for advertising at the John M. Coyne Recreation Center."

Councilwoman Brown: "Second."

Councilwoman Pucci: "Is that okay?"

Director Shaper: "Excellent."

Councilwoman Brown: "Second."

Clerk Fisk: "To amend the agenda to consider an agreement for Sports Venue Advertising, John Frey."

"Rich Albier."
"Kathy Pucci."
"Rita Brown."
"Greg Frey."
"Tom Coyne."

Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."

President Albier: "Okay, and then we'll vote on that. Okay, Kathy, your report."

Councilwoman Kathy Pucci: "Thank you Mr. Albier. Good evening everyone. First I would like to express my sincerest condolences to the family of Cpl. Tim Knight, his wife and daughter, his parents, brothers, sisters and in-laws. There are no words that are adequate at a time like this. As Pastor Czirr stated, freedom comes with an incredibly high price, and unfortunately Tim Knight and his family have paid that price. It's heartbreaking for our entire community. There was some wonderful pictures of him and his family on display at the funeral home, and there are also some pictures that were taken in Iraq. And you could tell from those pictures that he was very proud to be serving his country as a Marine. I think it goes without saying that we will honor him and his family at our Memorial Day parade. And Mayor, I wholeheartedly support renaming the Commons, I think that's a great idea. And I know there has also been talk at the school about the possibility of a scholarship being established in his name. And I do hope that happens, because I think that would be a way for Tim and his sacrifice to be honored each year when the scholarship would be awarded. I also realized that we don't have anywhere where we list the names of our residents who have been killed in war, and I believe this is something we should do, probably right at the entrance to Memorial Park. And I have no idea how many residents there are, but we could probably enlist the aid of the Historical Society and the VFW. I do believe we should recognize and honor all our residents who were killed in war. When I was on the parks advisory committee in the 90s I had researched the history of Memorial Park, and I was surprised to learn that it originally was designated Veterans Memorial Park. I think somewhere along the way people just shortened it and started referring to it as Memorial Park. I would like to suggest that the city go back to referring to it as Veterans Memorial Park. I realize that when people talk about it they're probably always going to say Memorial Park; but I think in our brochures and our publications I would like to see it referred to again as Veterans Memorial Park. After all, this is what the memorial means, as a memorial to our veterans. And I would like to hear my colleagues' thoughts on that when it's their turn to report. I would also like to congratulate our Pee Wee hockey team. Our entire community is proud of their efforts and accomplishments. They did a great job. Earlier this evening we had a Finance Committee meeting. The three ordinances that had to do with finance were Ordinance #2005-3, Authorizing a contract between Kim's Judo Tae Kwon Do School and the City of Brooklyn. This is basically renewal of the existing contract. Last meeting we did table this because we wanted to look at the possibility of increasing what we charge this provider. There's an agreement that we're going to hold the price to what it is for this coming year, which is April 1, 2005 to March 31, 2006, and that next year we will increase their fee for the 2006 contract. Ordinance #2005-7, which is amending Ordinance 2002-6 entitled An Ordinance providing for the registration of senior citizens for grass cutting. This is a \$5 increase in what we charge the seniors to have their grass cut. So it's going from \$10 to \$15, which is still a bargain. One note, we already did advertise, both in the Senior Chit Chat and the city newsletter, which arrived today, that it was going to be \$10, so this is going to be a change. However, I understand from the Mayor that the letters to the people who are already receiving this service have not gone out yet, so those will be correct. And also, you should note that there still is a late fee that will be charged for applicants who do not get their application in on time. Ordinance #2005-8, Authorizing inter-fund transfers and advances. We received our advances on our property taxes from the county, so this ordinance just transfers \$97,246 from the General Fund into the Safety Forces Construction Fund and advances back that same amount from the Safety Forces Construction Fund to the Capital Improvement Fund. In the beginning of the year we needed funds for the contract with the architect, so we advanced or borrowed funds from the Capital Improvement Fund so that we would have enough in there, and now we're just paying it back. Another thing we discussed, it was *in* the paper, I believe it was last Friday, in the Governor's proposed budget there are going to be cut to the Library and Local Government Fund. If it passes as it is proposed, Brooklyn stands to lose an additional \$151,000 – which is approximately a 20% cut. And this is revenues that in the past the cities could always count on, and they seem to be shrinking. Now the federal government is talking about decreasing or possibly eliminating the Community Development Block Grant Funds, which we have historically always received. I think we need to

put all the pressure we can to get the message to our legislators in Columbus that we need and rely on this funding from the Local Government Fund. I do have sample ordinance that Garfield Hts. had passed, perhaps we could modify it. I'll make sure everyone gets a copy of it, and you too Mr. Shaper. Maybe we could get something together for the next meeting. I believe they don't pass this until June, so we have some time to put the pressure on. And Mayor, I'm also aware of the group of mayors that have gotten together to fight these cuts. I don't know, Mayor, if you want to answer this, or Mr. Kappler. We had discussed before about the city markers, are they going to be replaced or just repaired?"

Mayor Patton: "They will be totally replaced. They are ordered, and we hope they come in soon."

Councilwoman Pucci: "Okay, 'cause some of the poles are pretty rusted, as we know."

Mayor Patton: "Yes, yes."

Councilwoman Pucci: "Okay, so we'll be doing that in the spring then?"

Mayor Patton: "As soon as they do come in we'll get them up."

Councilwoman Pucci: "Okay, thank you. If you were on Tiedeman or Brookpark over the weekend, I'm sure you noticed the large signs that were posted all over the utility poles. They were advertising a jewelry sale that K-Mart was having. There were still some signs still up today. And when I called Mr. Ockington to discuss it with him, I'm surprised to learn that we actually don't ban those. We have a provision whereby people can advertise temporary sales or events, and we do have some time limits on them. But I believe we need to change this. And I would ask Mr. Shaper if maybe you could get together with Mr. Ockington and maybe we could come up with a draft of an ordinance for the next meeting. These signs make our community look trashy. And this is not the image that we want to project. We also have a problem when our Service Department goes to try and take down these signs, because there's a provision that they have to be taken down 10 days after, sometimes the Service Department has to actually look at the dates of these notices to see if the time has expired. I think if we have an ordinance that just bans them, we won't have that problem. I did notice that on the Brook Park side of, I'm sorry, the Parma side of Brook Park, that every single sign was down. And I don't know if K-Mart did that or Parma did it; but I'm thinking Parma probably has an ordinance that prohibits it. Also, Mr. Shaper, maybe you could check on that."

Director Shaper: "It would be my pleasure."

Councilwoman Pucci: "Thank you. We did receive a letter from a resident requesting that we take a look at a flashing crosswalk sign and Biddulph and Williamston, and I did pass that along to Chief Murphy. I know I went up there today, and the crosswalk is there, most motorists, sad to say, really do ignore it. So Chief Murphy's looking into that to see if we need that. And also request to address the ponding of water on Ridge Road after it rains. And unfortunately, I'm not sure there's anything we can do until that section of Ridge Road is readdressed. Regarding the Charter Review Committee, Mayor, I see Mrs. Thompson isn't here, if we could make sure that we get all that information on our website, when they have their meetings..."

Mayor Patton: "Yes. I didn't know if it was up to me, but I was going to propose this evening if the Charter Review Commission could hold their first meeting, organizational meeting, Thursday, February 24th at 7 p.m. in the Mayor's Court. And we will make sure they all get copies of the charter and any additional information."

Councilwoman Pucci: "Okay, and if we could make sure that as they schedule their meetings that they're posted. Obviously they're going to be posted at our normal publication meeting notices, but also on the website I think would be good too. And do we have a date yet when the new dispatch center is going to be up and running, Chief Murphy?"

Chief Murphy: "I'm hoping Wednesday."

Councilwoman Pucci: "Okay, good. After everybody gets acclimated and used to the new surroundings, I would like a tour of it. *If there's any other Councilmembers interested, perhaps we could schedule a time where we could all do it together.* And also Chief Duchoslav, could you make sure that Council gets a

monthly update on the fire station project? I know there's not a whole lot to report right now, but I think we would find that helpful, because we have residents already asking about it, and once we break ground we're going to get a lot more questions. So if we could get a monthly update then we'll be up to speed on everything."

Chief Duchoslav: "I can do that."

Councilwoman Pucci: "Okay, thank you, I appreciate that. And I believe that completes my report. I'd like to wish everyone a happy Valentine's day. Thank you Mr. Albier."

President Albier: "Thank you Mrs. Pucci. Mrs. Brown."

Councilwoman Rita Brown: "Thank you Mr. Albier. Happy Valentine's Day to all, I hope everyone here has a happy heart tonight. Mayor, I want to thank you for all of your efforts to show respect for our own Tim Knight, with all the work that you did notifying the residents about the funeral procession, tying the yellow ribbons, to escort the procession. It was wonderful. And thank you for all the residents who turned out to pay honor to Tim Knight. I was there on my corner. Of course, Biddulph was loaded. And it really touched my heart. My sympathy to his family, his brothers and sisters, a large family. And it's very, very difficult for them, for his wife, his little baby. My heart goes out to them. But I thank all the residents who came out to pay honor to him. Oddly enough, Mayor, I was going to ask when the construction was completed in the Police Department if Council could have a tour."

Mayor Patton: "Absolutely. We want to make sure it gets up and running, get the bugs out, and then yes, we will have an open house."

Councilwoman Brown: "Kathy beat me to it. And I did have here about the Charter Commission, and that you said was Thursday, February 24th at 7:00 in Mayor's Court."

Mayor Patton: "Yes."

Councilwoman Brown: "Mr. Kappler isn't here tonight, so I'll ask you Mayor. SBC has been on Archmere putting telephone boxes on all the houses and trimming the trees, and leaving the trash for the residents to clean up. Now that doesn't seem quite right to me, Mayor. Whose responsibility is it to call SBC and tell them to come back and clean up their trash?"

Mayor Patton: "Okay, Mr. Ockington, could you address that tomorrow?"

Comm. Ockington: "Yes I will."

Mayor Patton: "Thanks. Alright, thank you."

Councilwoman Brown: "Okay, I'll give you the addresses of the specific people who are complaining."

Comm. Ockington: "Okay."

Councilwoman Brown: "I'll call you tomorrow. And also, the road cleaners. Now with the snow melting, the streets are a mess. There's all kinds of stones all... Is our road cleaner going to start going out?"

Mayor Patton: "Yes, as soon as possible. It doesn't work well when there's puddles on the street. And we did get it out before the funeral procession. Yes, it will be out as often as we can get it there, to clean up."

Councilwoman Brown: "Okay, I thank you. And Kathy, I do like the idea of referring to our Memorial Park by its correct name, Veterans Memorial Park. It's only fitting that this should be. The last meeting Mr. Albier suggested that we have committee meeting reports. Well, you know, in thinking it over, that's a very good idea. I would like to see the committee meeting reports before our normal Council reports, because Council may have something to say about them. And I think that would work out very well. And I have one last subject. Now I don't know, Mr. Albier, if this is executive session or if I could ask the Police Chief or our attorney. But I'm curious about the damage on our police vehicle that was damaged in a police chase."

Chief Murphy: "What do you want to know?"

Councilwoman Brown: "How extensive was the damage?"

Chief Murphy: "About \$6,000."

Councilwoman Brown: "Was our officer at fault?"

Chief Murphy: "No."

Councilwoman Brown: "Okay. Was that incorrect? Was that an incorrect question?"

President Albier: "That sounds fine to me."

Councilwoman Brown: "Okay. That completes my report. Thank you Mr. Albier."

President Albier: "Thank you Mrs. Brown. Mr. Greg Frey. Excuse me, Mr. Shaper."

Director Shaper: "Can I clarify one of your comments about..."

President Albier: "Yes you may."

Director Shaper: "When you said talk to the Law Director about whether to go into executive session, the easiest way to do that would be talk to the Law Director prior to the committee meeting, prior to the... If you ask the Law Director on the floor whether you should go into executive session, he's not going to know what you're talking about. If you call up an hour before the meeting and say here's a subject I want to bring up, here's what I'm thinking about doing. And I can never tell you you have to go into executive session. I can ask you to go into executive session, you can ask me to go into executive session. You have the right to talk about these things on the floor. It's just, it can be problematic, we can end up getting sued by doing such. But if anybody has a question, for instance Rita, in a situation like that, if you call me before the meeting, I can tell you whether I think it's advisable to go into executive session or not. The call will be yours as to whether we do or not. That type of situation, in terms of is it our fault or is it somebody else's fault, is generally handled better outside of a meeting. That can be the crux of a lawsuit. And that's a situation that oftentimes you really do not want to talk about publicly."

President Albier: "Thank you Mr. Shaper, we'll consider that."

Director Shaper: "Luckily the answer was good, Jack."

President Albier: "The only other thing I didn't mention is, when they do call, or when we do call for executive session, you can invite who you want in for that particular. Mr. Shaper isn't automatically invited in, unless it's something we need him for, and then he's invited in. Or the Mayor, or whoever it might be. Otherwise it's just Councilmembers. Okay, Mr. Greg Frey."

Councilman Greg Frey: "Thank you Mr. Albier. Mayor, I want to commend you for the organization of the procession through Brooklyn for Cpl. Knight. I stood out in front of City Hall with my grandson and cried like a baby when that procession went by. It was very moving, it was very touching, to see all of the children from St. Thomas More. And I know that the kids from the other, from the High School and from our other schools, were out to honor the family and support the family. This is a loss to the entire community and we are touched by it. I commend you for wanting to re-name the Commons. I think that's a good idea, and fully support that. And I hope we never go through something like that again. I remember when, was it...?"

Councilwoman Pucci: "Cpl. Brock?"

Councilman G. Frey: "Cpl. Brock. I remember when he died, his father was the custodian down at St. Thomas More. And we went through a trauma at that time. And I think this is every bit as bad for a

community. It's the price we pay for living how we live, and freedoms we have. But it's a serious price for all of us. And now that I've brought everybody down, and I don't mean to do that, because it's a proud moment for us as well as a sad moment. I want to talk about budgets. Those of you that read The Plain Dealer and saw in The Plain Dealer the Governor's proposed budget, there's a little item in there that appeared on the front page about a funding cut to the Ohio Environmental Protection Agency of some \$20 million, or whatever it was. And what they were going to do is raise tipping fees from \$2 a ton to \$4.75 a ton. Well, let me tell you what that means for us, okay? Right now we are paying the State of Ohio \$2 a ton for us to collect our garbage at our expense, take it to our landfill that we maintain, put it in and care for it in our landfill, at our expense. They are going to from charging us \$2 a ton for that privilege to charging us \$4.75 a ton for that privilege. It will cost you the taxpayers of Brooklyn an additional \$11,500 a year. Okay? It's almost like the vig that they get in Vegas. They're skimming off the top, they're cutting the budget in Columbus, and passing the bill back to us. It's a scam. At the same time, that budget cuts Medicaid, dental and vision coverage for children, for poor children. Okay? And at the same time the federal budget, under Medicare, wants to start paying for viagra for senior citizens. I think they have a double agenda there. I think that if they get seniors full of viagra they're liable to get fewer of them cashing social security checks. I'm not sure what the agenda is there. But somewhere along the line we have seriously misplaced our priorities, and we ought to make public officials, including us here, aware that we have serious responsibilities vis-à-vis the taxpayer dollars, the services we provide, and the value that we get for them for our citizens. I'm done. Thank you."

President Balbier: "Thank you Greg. Also at our dump, we dumped, Mr. Fisk told me, over 4,000 tons last year. So now it's 150% increase on top of what we were paying before. Mr. Coyne."

Councilman Tom Coyne: "Thank you Mr. Balbier. My condolences also to the family, the Tim Knight family, on his supreme sacrifice to our country. I had the opportunity to visit with the family out at the funeral home, and the friends. It was very moving out there. I think the photos explained it all in his dedication to the country, his dedication to his unit. Happy Valentine's Day to everyone. And to anyone who still has not purchased their Valentine's gift, I understand that Malley's Chocolate is still open, so you still have time to run up to Brookpark and get a last minute gift. Congratulations to the Sharks hockey team, and the entire Hockey Association. As a former Hockey Association director during the start up days of the association, and the father of five boys who all played hockey, and nine grandchildren who now play hockey, I know first hand the dedication and hard work that's required to be a hockey player. I could still remember the many nights, when my boys played for St. Ed's, going out to Winterhurst at midnight and staying there till 1:30 in the morning, coming back home, getting a couple hours sleep, then the kids would get up and deliver The Plain Dealer, 'cause they all had Plain Dealer routes. And it took a lot out of the kids, but it also learned them a lot, I think. Congratulations to Linda Baszak and the Brooklyn Relay for Life Committee on an excellent job at the Relay fundraiser last night up at the Icehouse. And thank you to Ed Walsh and all his people that work for him up at the Icehouse. They did a tremendous job. We had originally estimated somewhere between 60 and 80 people, and we probably doubled that number in people that was in attendance. All the people there were giving their efforts and their money to the American Cancer Society. And this is something I've been involved in for a number of years. And I'm not sure the exact amount, but I know it was well over \$2,000 last night that was raised in a three hour period. And Mayor, at the fundraiser you mentioned, I mentioned to you reports that there was a large deer on the side, blocking the sidewalk on Tiedeman by the former Cablevision office, and I appreciate your quick response to the removal of that deer. For the information of the public, 'cause some of the people that had told me about it, had asked, what's the procedure for residents, especially on the weekends, if they find a dead animal on the street, the sidewalk, whatever? Is it always call the Police Department?"

Mayor Patton: "Call the Police Department."

Councilman Coyne: "And they'll take care of it from there."

Mayor Patton: "Yes."

Councilman Coyne: "Okay, thank you. So that's for all the residents that..."

Mayor Patton: "Tom, if I could add to your comment about the Relay for Life, I believe the final total was \$2500. So that was a great effort."

Councilman Coyne: "It was, very good. And the Master Plan Advisory meeting is scheduled for Thursday, February 17th at the Senior Center at 7 p.m. We're kind of in the wind down stage now. We've been going on this for I don't know how long, quite awhile though. But hopefully we're getting all the results, and survey results are coming back, and we're getting a pretty good handle on what the people in Brooklyn want. I came across an article that was just put out the other day, and this is about cell phone use ups the accident risk. As everybody knows, Brooklyn's the home of the cell phone law, put into effect by Mayor Coyne many, many years ago, when cell phones were no where near as prevalent as they are today. And the article states that, 'Motorists between 18 and 25 on cell phones drive like elderly people.' Now that may be a slam on elderly people. But the basis of it is, 'Moving and reacting more slowly and increasing the risk of accidents. If you put a 20 year old driver behind the wheel with his cell phone, his reaction, his times are as slow as those of a 70 plus year old driver. It doesn't matter whether his cell phone is hands free or hand held, the activity requiring a driver to be part of the conversation detracts from his driving. In fact, motorists who talk on cell phones are more impaired than drivers with blood alcohol levels exceeding 0.08.' So it's a pretty serious problem. They did a number of tests on a driving simulator with 18-25 year olds driving in a simulator, and they had to react to problems that came up on a screen, and most of them, the response time was 18-20% lower, in otherwords it took them that much longer, to stop or swerve, whatever they had to do, to react to whatever the problem was while they were driving with a cell phone. So it is a good thing not to drive while you're talking on a cell phone. My company abolishes, and gives time off actually, if you are caught driving with a cell phone while you're in a company vehicle. And the one last thing I had, Mayor, we had talked, this was back on January 10th meeting, about the problem there at I-480 on Ridge Road, by the entrance to I-480, where the asphalt tracks are. Did you ever find any record of how many times that's been patched and re-patched?"

Mayor Patton: "No, the garage didn't have that. They just keep records of Ridge Road, you know, and each street. But whenever it does get bad, a phone call to the Service Director or down to the Service Garage, it will be filled immediately. But that area is starting to crumble, and it will be on the list this year to get done."

Councilman Coyne: "Good."

Mayor Patton: "And I did double check, because, you know, years ago I'm pretty sure it was the Regional manhole, and it is a Regional manhole, the one a little farther up."

Councilman Coyne: "So will they do the re-patching of that, or...?"

Mayor Patton: "No..."

Councilman Coyne: "...that's our responsibility?"

Mayor Patton: "... they came out and checked their block and how their manhole is constructed, and they say theirs is fine, so we will take care of the rest of it, which is our responsibility."

Councilman Coyne: "And that's going to cost some pretty big bucks, because it's going to be a base repair and everything."

Mayor Patton: "It's probably about five-six large blocks of concrete."

Councilman Coyne: "Right. Okay. And the other thing, the five year plan, we had talked about that also, the base plan on how much we think we're going to be able to put into the streets this year."

Mayor Patton: "I don't have that. Mr. Kappler had a personal matter he had to take care of this evening, so I will make sure that he contacts you."

Councilman Coyne: "Thank you."

Mayor Patton: "Alright."

Councilman Coyne: "That's all I had."

President Albier: "Thank you Mr. Coyne. We'll now have the Mayor's report."

Mayor Ken Patton: "Okay. If Council would do me the honor, I would like to recommend a motion to rename the Ridge and Biddulph Commons to Cpl. Timothy A. Knight Commons."

Councilwoman Pucci: "Move we rename the Biddulph Commons to be known as Cpl. Timothy A. Knight Commons."

Councilman Coyne: "Second."

Councilwoman Brown: "Second."

Clerk Fisk: "To approve the renaming of the Ridge and Biddulph Commons, John Frey."

"Rich Albier."

"Kathy Pucci."

"Rita Brown."

"Greg Frey."

"Tom Coyne."

Councilman J. Frey: "Yea."

Councilman Albier: "Yea."

Councilwoman Pucci: "Yea."

Councilwoman Brown: "Yea."

Councilman G. Frey: "Yea."

Councilman Coyne: "Yea."

Councilman Coyne: "Mayor, at the same time I'd like to ask if you would include the Veterans Memorial into any city literature that we send out?"

Mayor Patton: "Yes, I marked that down. That is a point, and exactly what Kathy said, they probably just shortened it, you know, through conversation."

Councilman Coyne: "Thank you."

Mayor Patton: "I think every person in Brooklyn had a tear in their eye last Monday. And letters coming into City Hall all say that they're very proud to be from Brooklyn. And I too was very proud to be from Brooklyn that day. Ruth Leahy and I... Ruth is one of our two members on the Parma Community General Hospital Board. We conducted interviews of potential candidates to replace Mr. Dan Enovitch, who resigned. At this time I request Council's confirmation of Mr. John Bundy to replace Mr. Enovitch, who's term runs through 2006."

Councilman G. Frey: "Move to approve."

Councilman Coyne: "Second."

Councilwoman Brown: "Second."

Mayor Patton: "Mr. Bundy, if you'd like to stand. John's a retired firefighter, trained in medical assistance; and he also is Microsoft trained in the computer field. John, do you want to say a couple words?"

Councilwoman Brown: "I think you better take the vote first."

President Albier: "Yeah, we better."

Mayor Patton: "Please."

President Albier: "Would you take the vote Mr. Fisk?"

Clerk Fisk: "To approve the recommendation of John Bundy, John Frey."

"Rich Albier."

"Kathy Pucci."

"Rita Brown."

Councilman J. Frey: "Yea."

Councilman Albier: "Yea."

Councilwoman Pucci: "Yea."

Councilwoman Brown: "Yea."

"Greg Frey."
"Tom Coyne."

Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."

Clerk Fisk: "Thank you."

Councilwoman Pucci: "Congratulations John."

John Bundy: "Thank you Mayor, thank you Council. I only hope I can do as good a job as Dan Enovitch has done in the community. I'm very proud of my service to this community. We all try to help each other. Don't always see eye to eye. But it's a wonderful community and I'll be proud to represent Brooklyn at Parma Community Hospital."

Mayor Patton: "John, if you would, I know they have a confidentiality clause on many things, but if you could bring whatever programs they have going and report back to Council every now and then, we'd appreciate it."

Mr. Bundy: "Sure Mayor. I'll let you know anything that comes up. I was at their website today. As you remember, Ruth Leahy said that they're very computer oriented there. As you know, the health field is growing ever increasingly more reliant on computer technology to help reduce costs. So anything I can be of assistance with there, and any discoveries I make in working with the hospital, I'll be glad to share with you."

Mayor Patton: "Thank you John. I'd also like to congratulate our Recreation Assistant Manager Terry Thompson who retired January 31st after over 30 years of service with our city. Thank you Terry. And he will receive a proclamation. Trash pickup next week will be one day later due to the President's Day holiday on Monday. I do have... A couple of meetings ago we had comments from the audience during the forum pertaining to our snow plowing. Well in the Free Times a few days later they came out with a 'Snow Storm Response Ratings, properly performing snow removal duties under blizzard conditions.' And they rated some of the cities. 'Cleveland, poor; Parma, good; Cleveland Hts., fair; East Cleveland, very poor; Euclid, fair; Lakewood, poor; Brooklyn, very good; Solon, good.' So pat our guys on the back, they do a good job. I'm proud to say that our Fire Department has written and received a \$90,000 grant, and we have a \$10,000 match. It's called the Assistance to Firefighters Grant Program, and it will be used, \$36,000 for a high pressure breathing air compressor, \$64,000 for an upgrade and replacement on the self-contained breathing apparatus. And very few fire departments get these awards year after year. 2% of the fire departments throughout the nation have received it three years in a row; this our fourth consecutive year. So we have some good grant writers over there. Thank you. I'd like to thank Cub Scout Troop 319 for allowing me to attend their Blue and Gold dinner. It's always a great time to go see the young ones get their patches. And also Brooklyn Youth Hockey was here tonight, they also had a Night at the Races that was very successful. Thanks everyone for supporting the youth programs. I had a meeting at Congressman Kucinich's office, and I'll go with the traffic one first. As you know, last year we applied, through Congressman Kucinich and also through Senator DeWine and Voinovich, for a Congressional appropriation for a \$500,000 award to do the engineering on 480 and Tiedeman. That's one of the 14 steps you have to work through ODOT in order to get a construction project through. We were unsuccessful. Most of the funding in Congress went to Defense. So this year we asked Congressman Kucinich to apply for \$500,000 on what's called the TEA/LU program. Each member of Congress, no matter what their party affiliation, is allocated a fixed dollar amount for certain projects in the Bill. So we are also working again with Senator DeWine and Voinovich, Congressman Kucinich is our main tie with this. And it was kind of odd, because we got a phone call from Congressman Kucinich's aide in Washington, and he said \$500,000 won't do it, how about \$7 million? So we're applying for \$7 million on the TEA/LU Program, and that will definitely give us a little push toward getting things done and relieving congestion down there. My second meeting with Congressman Kucinich was about the NASA Glenn Research Center, and that was February 11th. 700 workers at NASA may lose their jobs. And it also affects private contractors, and there's many of them. Also affects our universities. Case Western Reserve and Cleveland State, and I believe it's John Carroll train some of these young engineers, they work co-op over at NASA, and this is going to be affected. Some real brilliant minds are going to be leaving our area. And not only that, other problems in northeast Ohio, with in the last two weeks, 1500 workers may lose their job at the Navy DEFAS Office. Anybody who's a sailor gets their check out of Cleveland. That might be gone. And the federal government cut \$1 billion from the Community Development Block Grant and millions from the COPS program on the federal level. Cities are losing Local Government Funds. As Kathy mentioned, we're losing \$151,000 next year. Water and sewer bills are higher, natural gas is out of

sight, fuels for our trucks is up, municipal income tax is down. And then here comes the state budget. Governor Taft's reform proposals have been described by many as a combination of tax cutting and tax shifting, and already some of the state's major business interests are lining up against the proposed gross receipts tax that is the core of the proposal. And I could, there's about 10 things here that are changing, and some of them were mentioned tonight. And it's just, they're cutting here, they're cutting there. Where cities are going to get their money in the future is very questionable, and I agree with Council's determination. Let's get some resolutions out there, let's start contacting everybody who represents us, because this is not representing the people of Brooklyn, and it's not going to fly. I mentioned about the Charter Review. One more time, it's February 14th at 7 p.m. in the Mayor's Court."

Councilwoman Pucci: "No, not 14th."

Mayor Patton: "February 24th, I'm sorry, that's right. I received County Engineer Klaiber's annual report. Total expenses in the City of Brooklyn by the County Engineer's office totaled \$703,856. And the report will be available at City Hall should people want to view it. Council already informed you of the raise on the rubbish, to dump in our own landfill. And that total is going to be \$19,582. So we were paying 8,245 – it will now be 19,582. Coffee with Mayor Patton and also School Superintendent Jeff Lampert will be Tuesday, February 22nd over at the Senior Center between 9-10 a.m. Please call ahead to make a reservation, because they order some Danish and some coffee and things of that nature. A reminder the Senior Center will be closed on President's Day, which is February 21st. And also for your heating and air conditioning HVAC, applications are available for the HEAP program, and the deadline for that is March 31, 2005. Lutheran Hospital on Wednesday evening will be over at the Senior Center to give a talk on Eating Your Way to a Healthy Heart. The speaker will be Rozz Witkowski, and that starts at 6:30 and runs until 8:00, and a light dinner will be provided. Reservations are a must, and you can get a reservation at 633-2001. And also, finally, the Brooklyn paramedics will be taking blood pressures at the Senior Center on Thursday, February 24th, and that's from 10-11:30. And that's my report."

President Albier: "Thank you Mayor. We'll now have the directors' reports, and the first report's from the Finance Director Mr. Fisk."

Dir. Fisk: "I'm happy to report that the City of Brooklyn received an award from the GFOA, the Government Finance Officers Association, for Outstanding Achievement in Popular Annual Financial Reporting. We produced a Popular Annual Report, Annual Financial Report, in 2001, 2002 and 2003, and we've received the award for Outstanding Achievement for all three years from GFOA. This particular report is designed to be one that's easily read and easily understood. When you get it it's a short foldout that gives you a very quick and easily read assessment of the city's financial position. And we provide that to all businesses and all residents in the City of Brooklyn. You've heard several discussions tonight about the budgets. We have been working with Cuyahoga County, with a coalition of cities, townships, libraries and Metro Parks, all of whom are affected by Local Government Funds, and will continue to work in that coalition throughout the time of the budget hearings through June to express our dismay over this particular cut. There was an article in the Columbus Dispatch where the Governor's chief of staff indicated that cities would have to become more creative in their financing of their municipal budgets. We have gone through and been creative and taken action and been proactive. We cut \$1 million out of our budget this year. I think that's exactly the things that we're supposed to do, and that we in fact are being creative and are doing what's supposed to be done. And simple shifting then of funding gaps from the state to the city doesn't exactly help us continue to take care of our responsibilities and be creative. So as what I said, we will continue to work with the coalition of municipalities, townships, libraries and Metro Parks to express the exact impact that this \$150,000 will have to the City of Brooklyn, and this \$53 million throughout the entire state will have on all of those local governments. Thank you."

President Albier: "Thank you Mr. Fisk. Mr. Kappler is not here this evening, so we'll hear from the Building Department, Mr. Ockington."

Comm. Ockington: "I have no report this evening."

President Albier: "Thank you Mr. Ockington. Now the Police Chief Mr. Murphy."

Chief Murphy: "I also have no report."

President Albier: "Thank you Mr. Murphy. The Fire Chief Duchoslav."

Chief Duchoslav: "Thank you Mr. Albier, I do have a report. I would just like to comment further on that federal grant. This 100,000 – and Greg, you're laughing. The 100,000 brings a total over the four years to 215,000 that the city has received. In 2001 the first grant was for 30,000 for health and wellness, we spent that on medical testing and on some very serious exercise equipment which gets used daily. In 2002 the grant amount was 25,000 under the heading of operations, and that was used to purchase two sets of heavy extraction tools, the Jaws of Life. And last year 60,000 was spent on firefighter safety, which was complete new sets of turnout bunker coats, bunker pants, helmets, things like that, to protect the firefighters. And the kudos, I can't sit here and take congratulations, Lt. Dan Smetana writes and submits these grants, and he does a very nice job, and I'd just like to say thank you Dan. That's my report."

President Albier: "Thank you Chief. Now I'll hear from the Recreation Commissioner Mr. Al Sforzo."

Comm. Sforzo: "Good evening. Just a brief summary. We just completed our Baron Cup February 6th at the Recreation Center. It was very successful, we had about 4200 people attend in the week-long tournament. I'd like to congratulate the two high schools. Padua High School won Baron Cup I and Amherst High School won Baron Cup II. The day after we completed that on February 6th, we started our state tournament. We are now, in fact there's a game going on now while we are here. This goes until February 26th, with the winner advancing to the state finals in Columbus. So we've been complimented on how our tournament was run by the directors. So I would like to compliment my employees there and the city for a great tournament and a continuous tournament. Thank you."

President Albier: "Thank you. Does the Law Department have anything Mr. Shaper?"

Director Shaper: "No report."

President Albier: "Good. Monthly reports. This is the monthly report for January from the Fire Department. They had 76 runs, and they had a fire loss of \$2,000. Rescue squads ran 137, and they took in billing for that \$7,189. The Recreation Department took in \$57,076.10 for the month of January. And for the Building Department, they took in through permits \$3,471.28; and \$6,900 in contractor registrations for the month of January. And from the Senior Center, they took in through special programs \$3,442.86; and charges and donations were \$2,641 for a grand total of \$6,084.26. And the last one is for the Mayor's Court for the month of January. They took in \$31,883.60. Total monies paid out \$6,115. A check issued to the City of Brooklyn for \$25,768. At this point is there anyone in the audience that wishes to make a comment on the agenda that's on tonight's schedule? Okay, then we'll go into the agenda. The first one is **ORDINANCE #2005-3**. Authorizing a contract between Kim's Judo and Tae Kwon Do School and the City of Brooklyn to provide Master Kim Tae Kwon Do and Kardio Kick programs at the Brooklyn Recreation Center. The last meeting this was tabled, so I need a motion to remove from the table."

Councilwoman Brown: "Motion to remove from the table Ordinance 2005... Oops, I'm sorry, wrong one, 2005-3."

Councilman G. Frey: "Second."

Clerk Fisk: "To remove Ordinance 2005-3 from the table, John Frey."

"Rich Albier."
"Kathy Pucci."
"Rita Brown."
"Greg Frey."
"Tom Coyne."

Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."

President Albier: "I need a motion to accept 2005-3."

Councilman G. Frey: "Move to accept."

Councilman J. Frey: "Second."

President Albier: "Is there any discussion?"

Councilwoman Pucci: "I was just going to say, I think you have to suspend the rules."

Councilman G. Frey: "Suspend the rules, move to suspend the rules."

Clerk Fisk: "And a second?"

President Albier: "We need a second. I'll second."

Councilwoman Pucci: "May I be recognized Mr. Albier?"

President Albier: "Yes."

Councilwoman Pucci: "I just want to restate for the record that I consistently voted against this. I'm not opposed to either the provider or the programs that they teach, I'm just opposed to private business operating in and being subsidized by the city. Thank you Mr. Albier."

President Albier: "Thank you. Also at the Finance Committee meeting Mr. Sforzo told us that his hours have gone down, even though the rate stays the same for him, so we're going to try to, if we pass this tonight, his rate will stay the same as it was for last year."

Clerk Fisk: "To suspend the rules on Ordinance 2005-3, John Frey."

"Rich Albier."
"Kathy Pucci."
"Rita Brown."
"Greg Frey."
"Tom Coyne."

Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."

Clerk Fisk: "To adopt, John Frey."

"Rich Albier."
"Kathy Pucci."
"Rita Brown."
"Greg Frey."
"Tom Coyne."

Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "No."
Councilwoman Brown: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."

President Albier: "The next one is **ORDINANCE 2005-5**. Adopting the 2005 National Electric Code, providing standards for the electrical materials and installations."

Councilwoman Pucci: "Introduced by all, suspend the rules."

Councilwoman Brown: "Second."

Councilman Coyne: "Comment."

President Albier: "Mr. Coyne."

Councilman Coyne: "As an electrical engineer I know this is very comprehensive, a lot of changes in it. And this does take effect March 1st. So anybody that's planning to do any electrical work, well, by the time you get somebody in to do it it's going to be in effect. Right, we're going to do it effective March 1st?"

Comm. Ockington: "That's when the state adopts it."

Councilman Coyne: "Yeah, so we'll adopt it right away."

Comm. Ockington: "Yes."

Councilman Coyne: "Okay. So make sure that they know if they're bidding a job for electrical work that it has to comply with the 2005 National Electric Code. That's all I had."

President Albier: "Thank you Mr. Coyne."

Clerk Fisk: "To suspend the rules, John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."
"Greg Frey."
"Tom Coyne."

Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."

Clerk Fisk: "To adopt, John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."
"Greg Frey."
"Tom Coyne."

Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."

President Albier: "The next one is **ORDINANCE 2005-6**. This is to approve and adopt the Personnel Policy Manual for the City of Brooklyn. And I recommend that we put this on first reading, because this is the size of the book. And I've read it cover to cover, but I'd like to make sure that all the Councilmen read it cover to cover before you vote on it. So I'd like to put it on first reading."

Councilwoman Pucci: "Move to put on first reading."

Councilman Coyne: "Second."

Councilwoman Brown: "Second."

Councilwoman Pucci: "May I be recognized Mr. Albier?"

President Albier: "Yes Mrs. Pucci."

Councilwoman Pucci: "I'd also like to suggest that we have a meeting so we can discuss and ask questions about it. And I was thinking perhaps we could, at some point in the next month, schedule another Committee of the Whole, and that way we can discuss and finalize the proposed changes to the Rules of Council, this Personnel Policy Manual, and also the rental ordinance. We could maybe take care of all that."

President Albier: "That's a good point, we'll set something up."

Councilman Coyne: "I agree with that proposal, I have some questions on the ordinance that's in front of us tonight."

President Albier: "So this will be put on the first reading tonight."

Clerk Fisk: "To place Ordinance 2005-6 on first reading, John Frey."

"Rich Albier."
"Kathy Pucci."
"Rita Brown."
"Greg Frey."
"Tom Coyne."

Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."

President Albrier: "The next ordinance is **ORDINANCE 2005-7**. Amending Ordinance 2002-6, an Ordinance providing for the registration of senior citizens for grass cutting services and establishing requirements and a fee thereof. That was adopted January 14, 2002."

Councilman J. Frey: "I'd like to introduce that one."

Councilwoman Pucci: "Introduced by all, suspend the rules."

Councilman Coyne: "Second. Are you going to comment on the change in the price?"

President Albrier: "Yes, I'm going to read it. So suspend the rules."

Clerk Fisk: "To suspend the rules on Ordinance 2005-7, John Frey."	Councilman J. Frey: "Yea."
"Rich Albrier."	Councilman Albrier: "Yea."
"Kathy Pucci."	Councilwoman Pucci: "Yea."
"Rita Brown."	Councilwoman Brown: "Yea."
"Greg Frey."	Councilman G. Frey: "Yea."
"Tom Coyne."	Councilman Coyne: "Yea."

President Albrier: "Okay, the change is in Section 2. And in Section 2 the old reading read, 'Each registrant for this service shall register with the city by completing in a form in the manner and form provided by the Coordinator of Senior Citizens Services and shall pay an annual registration fee of \$10, payable in person, at the Brooklyn Community-Senior Center.' The new ordinance changes Section 2, and it now reads, 'Each registrant for this service shall register with the city by completing in a form in the manner and form provided by the Coordinator of Senior Citizens Services and shall pay an annual registration fee of \$15, payable in person, at the Brooklyn Community-Senior Center.' I need a motion to adopt this."

Councilwoman Brown: "Motion to adopt."

Councilman Coyne: "Second."

Clerk Fisk: "To adopt Ordinance 2005-7, John Frey."	Councilman J. Frey: "Yea."
"Rich Albrier."	Councilman Albrier: "Yea."
"Kathy Pucci."	Councilwoman Pucci: "Yea."
"Rita Brown."	Councilwoman Brown: "Yea."
"Greg Frey."	Councilman G. Frey: "Yea."
"Tom Coyne."	Councilman Coyne: "Yea."

President Albrier: "The last one is Ordinance 2005-8, an Ordinance authorizing the inter-fund transfers and advances during 2005."

Councilman Coyne: "Introduced by all, suspend the rules."

Councilman J. Frey: "Second."

Clerk Fisk: "To suspend the rules on Ordinance 2005-8, John Frey."	Councilman J. Frey: "Yea."
"Rich Albrier."	Councilman Albrier: "Yea."
"Kathy Pucci."	Councilwoman Pucci: "Yea."
"Rita Brown."	Councilwoman Brown: "Yea."
"Greg Frey."	Councilman G. Frey: "Yea."
"Tom Coyne."	Councilman Coyne: "Yea."

Clerk Fisk: "To adopt, John Frey."	Councilman J. Frey: "Yea."
"Rich Albrier."	Councilman Albrier: "Yea."
"Kathy Pucci."	Councilwoman Pucci: "Yea."
"Rita Brown."	Councilwoman Brown: "Yea."
"Greg Frey."	Councilman G. Frey: "Yea."

"Tom Coyne."

Councilman Coyne: "Yea."

President Albier: "Does any Councilman or the Mayor have anything else they wish to bring before the Council?"

Mayor Patton: "I have one item."

Clerk Fisk: "You amended the agenda for the agreement with this one, so we still have that more to do yet."

President Albier: "Oh yeah, I'm sorry. We amended the agenda for the advertising agreement."

Councilwoman Pucci: "I make a motion that we give oral authorization to the City of Brooklyn to enter into, do you want it an agreement or temporary agreement?"

Director Shaper: "This is an agreement."

Councilwoman Pucci: "Okay, an agreement with Sports Venue Advertising for advertising at the John M. Coyne Recreation Center, noting that Council was given a copy of the proposed agreement earlier this evening at the Finance Committee meeting. And we are going to amend..."

Director Shaper: "You're giving me authorization so long as that sentence is stricken."

Councilwoman Pucci: "Right, that under limited liability... Do you want me to read the sentence that's stricken or no?"

Director Shaper: "Sure, yes."

Councilwoman Pucci: "Okay. Under limited liability in the agreement, which is on the bottom of page two, the 10th line down, we're going to strike the sentence, 'notwithstanding the above facility's exclusive remedies of all damages, losses and causes of actions, whether in contract, tort, including negligence or otherwise, shall not exceed the total dollar amount owed to facility during the term of this agreement.' And we're going to strike that from the proposed agreement."

Director Shaper: "I'll take two seconds and explain that so people can understand."

President Albier: "Yes, Mr. Shaper's going to explain what this is all about."

Councilwoman Pucci: "I think we should have a second first so we get it on the floor."

Councilman Coyne: "Second."

Councilwoman Pucci: "Okay."

Director Shaper: "What that clause does is it limits the damages in case the vendor makes a mistake. If he makes a mistake, what he's attempting to do is say we can only recover the amount of the contract. Potentially he could make a mistake that costs the city more than that, and I do not want a vendor to be able to limit his damage in such a way. He has already orally agreed to take that out, but the contract has not been provided to me, so Council has been lenient enough to allow me the authority, through the Mayor, to enter into the contract once the cap on damages is removed. This is looking out for the residents of Brooklyn."

President Albier: "Just so everybody understands, this is all to put up advertising around the dasher boards in the Rec Center. And that will bring in more revenue for the city."

Director Shaper: "And so that the residents know, the contract that we are looking at today is terminable anytime we desire just by giving written notice."

Clerk Fisk: "To authorize the City of Brooklyn to enter into an agreement with SVA, John Frey."

"Rich Albier."
"Kathy Pucci."
"Rita Brown."
"Greg Frey."
"Tom Coyne."

Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."

Councilman J. Frey: "I move we adjourn."

Councilman Coyne: "Second."

Councilwoman Brown: "Second."

Clerk Fisk: "To adjourn, John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."
"Greg Frey."
"Tom Coyne."

Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."

Meeting adjourned.

Clerk of Council

M A Y O R